

N91571.AR.002169
NIROP ABL ROCKET CENTER
5090.3a

RECORD OF DECISION CHECKLIST FOR NO ACTION WITH TRANSMITTAL ABL ROCKET
CENTER WV
1/4/1999
NAVFAC MIDLANT

RECORD OF DECISION CHECKLIST for

NO ACTION



**U.S. Environmental Protection Agency
Office of Emergency and Remedial Response**

ROD CHECKLIST
NO ACTION CONTROL ACTIONS

I. THE DECLARATION

A. SITE NAME AND LOCATION

Does this section:

- (☒) Contain the name of the site as it appears on the National Priorities List (NPL)?
- (☒) Contain the name of the town or county and the State in which the site is located?

B. STATEMENT OF BASIS AND PURPOSE

Does this section contain the following standard language?

- () "This ~~decision~~ document presents the selected remedial action for the (site name), in (location), which was chosen in accordance with CERCLA, as amended by SARA, and, to the extent practicable, the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). This decision is based on the administrative record for this site."
- () "The State/Commonwealth of _____ concurs with the selected remedy."

C. DESCRIPTION OF THE SELECTED REMEDY/RATIONALE FOR NO ACTION

- () Does this section include a statement from the lead agency indicating that it has selected no action as the remedy for the site or operable unit?

D. DECLARATION STATEMENT

If the rationale for no action is that action is not necessary for protection, does this section include:

- () A statement from the lead agency indicating that no remedial action is necessary to ensure protection of human health and the environment? [Note: None of the Section 121 statutory determinations need to be documented in this section]

If the rationale for no action is that there is no CERCLA authority to take action, does this section:

- () Explain that EPA does not have authority under CERCLA sections 104 or 106 to address the problem(s) posed by the site or operable unit?
- () Explain that the problem(s) posed by the site or operable unit have been referred to other authorities (if applicable)? [Note: None of the Section 121 statutory determinations need to be documented in this section]

If the rationale for no action is that actions taken earlier (either remedial or removal) have addressed all risks posed by the site and no further action is necessary, does this section:

- () State that it has been determined that no further remedial action is necessary at the site or operable unit?
- () Explain that a previous response(s) at the site or operable unit eliminated the need to conduct additional remedial action?
- () Note whether a five-year review is required? [Note: Section 121(c) of CERCLA requires a five-year review of any earlier post-SARA remedy that eliminated the need to take further action (i.e., using engineering and/or institutional controls to prevent unacceptable exposures), yet resulted in hazardous substances, pollutants, or contaminants remaining at the site. As a matter of policy, EPA should generally perform a five-year review for pre-SARA remedies and removal actions that result in hazardous substances remaining on site, and any remedial action that requires five or more years to attain the cleanup levels specified in the ROD.]

II. DECISION SUMMARY

A. SITE NAME, LOCATION, AND DESCRIPTION

Does this section include a description of the site in terms of the following factors?

- (☒) Name, location, and address (including maps, a site plan, or other graphic descriptions, as appropriate) of the site

- (☒) Area and topography of the site
- (☐) Uses of adjacent land
- (☐) Uses of natural resources
- (☐) Location of and distance to nearby receptors
- (☐) General surface water and ground water resources
- (☐) Surface and subsurface features (e.g., numbers and volume of tanks, lagoons, drums, or other structures)

B. SITE HISTORY AND ENFORCEMENT ACTIVITIES

Does this section summarize the following?

- (☒) History of site activities that led to current problems
- (☒) History of Federal and State site investigations and removal and remediation actions conducted under CERCLA or other statutory authorities
- (☒) History of CERCLA enforcement activities at the site including:
 - (☐) Results of searches for potentially responsible parties (PRPs)?
 - (☐) Whether special notices have been issued to PRPs?

C. HIGHLIGHTS OF COMMUNITY PARTICIPATION

- (☐) Does this section summarize how the public participation requirements of CERCLA sections 113(k)(2)(B)(i-v) and 117 were met in the remedy selection process (e.g., issuance of fact sheets, opportunities for public comments, public meetings)?

D. SCOPE AND ROLE OF OPERABLE UNIT (OR RESPONSE ACTION) WITHIN SITE STRATEGY

Does this section:

- (☒) Describe the role and rationale for this remedial action?
- (☐) Summarize the scope of the remedial action?

E. SITE CHARACTERISTICS

Does this section:

- (☒) Indicate all known or suspected sources of contamination at the site?
- (☒) Provide a characterization of the groundwater, including the following:
 - (☐) A description of the aquifers of concern (currently and potentially affected), including groundwater flow directions/patterns (vertical and horizontal), and groundwater classification?
 - (☐) Description of the interconnection between groundwater and surface water?
- (☒) Include a description of the following information related to the contamination and affected media?
 - (☒) Types and characteristics (e.g., toxicity, mobility, carcinogenicity) of contaminants
 - (☒) Estimated volume of contaminated material
 - (☒) Concentrations of contaminants
 - (☐) Presence of NAPLs
- (☒) Include a description of the location of contamination and known or potential routes of migration, including the following factors?
 - (☒) Population and environmental areas that could be affected, if exposed
 - (☐) Lateral and vertical extent of contamination
 - (☐) Potential surface and subsurface pathways of migration
- (☐) Include maps, charts, tables, or other graphic descriptions of contaminants and potentially affected media?

F. SUMMARY OF SITE RISKS

If the rationale for no action is that action is not necessary for protection, does this section:

- (☐) Provide the primary basis for the no action decision?

- () Support the determination that no remedial action is necessary to ensure protection of human health and the environment?
- (✓) Explain the basis for the conclusion that unacceptable exposures to hazardous substances will not occur? (In most cases this will be based on the baseline risk assessment conducted during the remedial investigation (RI).)
- () Reference the RI/FS Report, in those limited cases where alternatives were developed in the feasibility study (FS)?

If the rationale for no action is that there is no CERCLA authority to take action, does this section include:

Human Health Risks

- (✓) Type of current land use existing at the site (e.g., residential, recreational, industrial) and basis (e.g., zoning maps, nearby development trends)?
- (✓) Type of future land use expected at the site (e.g., residential, recreational, industrial) and basis (i.e., if risks are based on future land use, was a "qualitative assessment" made of the likelihood that the assumed future land use will occur)?
- (✓) Identification of current use and potential beneficial use of groundwater?
- (✓) Populations at risk (e.g., site residents, trespassers, nearby fishing village) in both current and potential scenarios?
- (✓) Reasonable exposure pathways affecting each population group (e.g., ground water and soil ingestion, dermal contact, inhalation, ingestion of plants or animals in food chain)?
- (✓) Concentrations of the contaminants of concern in each medium of exposure?
- () Chronic daily intake (CDI) factor for each chemical within each relevant exposure pathway for a given population at risk and assumptions under which the CDI was calculated (e.g., exposure point concentrations, activity-based media-specific intake rates, frequencies and durations)?
- () Basic toxicity information used to calculate risk (e.g., cancer potency factor, reference

dose) and risk model from which the risk values were derived (e.g., IRIS, HEAST ECAO - Cincinnati)?

- () Summation of the pathway-specific carcinogenic risk or noncancer hazard index for each exposure pathway and media included in the ROD (e.g., direct ingestion of soil or ground water, dermal contact with surface water and total carcinogenic risk or hazard index for each population group at risk?
- () Explanation of key risk exposure times?
- () Results of the baseline risk assessment (i.e., risk that would remain if no action would be taken for the site or medium) based on the "reasonable maximum exposure scenario"?
- () Description of significant sources of uncertainty in the risk assessment?
- (✓) Indication of whether or not the baseline risk is greater than the risk range for the site or for any medium and justification for taking action if the baseline risk is not greater than the risk range (e.g., current exposure to a sensitive population)?

The following statement?

- () "Actual or threatened releases of hazardous substances from this site, if not addressed by implementing the response action selected in this ROD, may present an imminent and substantial endangerment to public health welfare, or, the environment."

Environmental Evaluation

A description of the following factors related to the environmental risks, including:

- () The reason for performing or not performing an ecological assessment?

If performed:

- () Which media were sampled (e.g., surface water, sediment, biota) and, if appropriate, whether the concentrations of the surface water contaminants were

compared to Federal, State, or any other stream standard?

- () Whether aquatic toxicity tests or bioassays were performed?
- () Whether stream evaluations (e.g., benthic survey for species diversity) were performed?
- () Whether terrestrial surveys were performed?
- () If appropriate, whether critical habitats, endangered species or wetlands were considered/identified; if so, whether and what type of effects/risks an unacceptable risk to the habitats, species, or wetlands were identified at the site?

If the rationale for no action is that no further action is necessary, does this section:

- () Provide the primary basis for the no action decision?
- () Support the determination that no remedial action is necessary to ensure protection of human health and the environment?
- (✓) Explain the basis for its conclusion that unacceptable exposures to hazardous substances will not occur? (In most cases this will be based on the baseline risk assessment conducted during the (RI).)
- () Summarize any previous responses that were conducted at the site or operable unit that served to eliminate the need for additional remedial action?
- () Reference the RI/FS Report, in those limited cases where alternatives were developed in the feasibility study (FS)?

G. STATUTORY AUTHORITY FINDING

If the rationale for no action is that there is no CERCLA authority to take action, does this section:

- () Contain the same concluding statement regarding the absence of CERCLA authority to address the problem that is used in the Declaration Statement?

H. EXPLANATION OF SIGNIFICANT CHANGES

- () Does this section identify that the selected remedy is the same as the preferred alternative presented in the proposed plan?
- () Does this section describe any significant changes and explain the reasons for them, as required by CERCLA section 117(b)?

III. RESPONSIVENESS SUMMARY

- () Does this section contain information about community preferences regarding the remedial alternatives, and general public concerns about the site?



Guide to Developing Superfund No Action, Interim Action, and Contingency Remedy RODs

Office of Emergency and Remedial Response
Hazardous Site Control Division OS-220W

Quick Reference Fact Sheet

This guide provides quick reference to the essential components of Records of Decision (RODs) that are prepared to document three specific types of remedial action decisions: (1) **no action**; (2) **interim actions**; and (3) **contingency remedies**. In preparing one of these three types of RODs, RPMs should modify the format of the "standard ROD" for final response actions (see **Highlight 1**) as indicated in this guide (i.e., sections of the standard ROD that have been crossed out should be eliminated, and sections appearing in bold should be modified according to the directions provided). Sections of the standard ROD that are not crossed out or do not appear in bold should be prepared as in a standard ROD. More detail on preparing these three types of RODs is provided in Chapter 9 of the *Interim Final Guidance on Preparing Superfund Decision Documents* (OSWER Directive 9355.3-02).

I. DOCUMENTING NO ACTION DECISIONS

EPA may determine that no action (i.e., no treatment, engineering controls, or institutional controls¹) is warranted under the following general sets of circumstances:

- When the site or a specific problem or area of the site (i.e., an operable unit) poses no current or potential threat to human health or the environment;
- When CERCLA does not provide the authority to take remedial action; or
- When a previous response eliminated the need for further remedial response.

Examples of potential situations where no action decisions may be appropriate are provided in **Highlight 2**. The remainder of this section outlines ROD formats to use for situations under which a no action ROD may be warranted.

¹ An alternative may include monitoring only and still be considered "no action."

HIGHLIGHT 1 OUTLINE FOR THE STANDARD ROD

1. Declaration

- Site Name and Location
- Statement of Basis and Purpose
- Assessment of the Site
- Description of the Selected Remedy
- Statutory Determinations
- Signature and Support Agency Acceptance of the Remedy

2. Decision Summary

- Site Name, Location, and Description
- Site History and Enforcement Activities
- Highlights of Community Participation
- Scope and Role of Operable Unit
- Site Characteristics
- Summary of Site Risks
- Description of Alternatives
- Summary of Comparative Analysis of Alternatives
- Selected Remedy
- Statutory Determinations
- Documentation of Significant Changes

3. Responsiveness Summary

- Community Preferences
- Integration of Comments

HIGHLIGHT 2
SITUATIONS WHERE NO ACTION
DECISIONS MAY BE APPROPRIATE

- Where the baseline risk assessment concluded that conditions at the site pose no unacceptable risks to human health and the environment.
- Where a release involved only petroleum product that is exempt from remedial action under CERCLA section 101.
- Where a previous removal action eliminated existing and potential risks to human health and the environment such that no further action is necessary.

NO ACTION SITUATION #1:
ACTION NOT NECESSARY FOR PROTECTION

1. Declaration

- Site Name and Location
- Statement of Basis and Purpose

• ~~Assessment of the Site~~

- **Description of the Selected Remedy:** The lead agency should state that no action is necessary for the site or operable unit, although it may authorize monitoring to verify that no unacceptable exposures to potential hazards posed by conditions at the site or operable unit occur in the future.

• ~~Statutory Determinations~~

- **Declaration Statement:** None of the Section 121 statutory determinations are necessary in this section. Instead, the lead agency should state briefly that no remedial action is necessary to ensure protection of human health and the environment.

- Signature and Support Agency Acceptance of the Remedy

2. Decision Summary

- Site Name, Location, and Description
- Site History and Enforcement Activities
- Highlights of Community Participation
- Scope and Role of Operable Unit or Response Action

• Site Characteristics

- **Summary of Site Risks:** The information in this section provides the primary basis for the no action decision. The discussion should support the determination that no remedial action is necessary to ensure protection of human health and the environment. The lead agency should explain the basis for its conclusion that unacceptable exposures to hazardous substances will not occur. (In most cases, this will be based on the baseline risk assessment conducted during the remedial investigation (RI).) In limited cases where alternatives were developed in the feasibility study (FS), the lead agency should reference the RI/FS Report.

• ~~Description of Alternatives~~

• ~~Summary of Comparative Analysis of Alternatives~~

• ~~Selected Remedy~~

• ~~Statutory Determinations~~

- Explanation of Significant Changes

3. Responsiveness Summary.

NO ACTION SITUATION #2:
NO CERCLA AUTHORITY TO TAKE ACTION

1. Declaration

- Site Name and Location
- Statement of Basis and Purpose

• ~~Assessment of the Site~~

- **Description of the Selected Remedy:** The lead agency should state that no action is necessary for the site or operable unit, although it may authorize monitoring to verify that no unacceptable exposures to potential hazards posed by conditions at the site or operable unit occur in the future.

• ~~Statutory Determinations~~

- **Declaration Statement:** No Section 121 statutory determinations are necessary in this section. This section should explain that EPA does not have authority under CERCLA Sections 104 or 106 to address the problem(s) posed by the site or operable unit. If the problem has been referred to other authorities, this should be explained.

- Signature and Support Agency Acceptance of the Remedy

2. Decision Summary

- Site Name, Location, and Description"
- Site History and Enforcement Activities
- Highlights of Community Participation
- Scope and Role of Operable Unit or Response Action
- Site Characteristics
- Summary of Site Risks
- ~~Description of Alternatives~~
- ~~Summary of Comparative Analysis of Alternatives~~
- ~~Selected Remedy~~
- **Statutory Authority Finding:** The concluding statement of the absence of CERCLA authority to address the problem should be the same as in the Declaration.
- Explanation of Significant Changes

3. Responsiveness Summary.

NO ACTION SITUATION #3: NO FURTHER ACTION NECESSARY

1. Declaration

- Site Name and Location
- Statement of Basis and Purpose
- ~~Assessment of the Site~~
- **Description of the Selected Remedy:** The lead agency should state that no action is necessary for the site or operable unit, although it may authorize monitoring to verify that no unacceptable exposures to risks posed by conditions at the site or operable unit occur in the future.
- ~~Statutory Determinations~~
- **Declaration Statement:** This Declaration should state that it has been determined that no further remedial action is necessary at the site or operable unit. The Declaration should explain that a previous response(s) at the site or operable unit eliminated the need to conduct additional remedial action. This section also should note whether a

five-year review is required. Section 121(c) of CERCLA requires a five-year review of any earlier post-SARA remedy that eliminated the need to take further action (i.e., using engineering and/or institutional controls to prevent unacceptable exposures), yet resulted in hazardous substances, pollutants, or contaminants remaining at the site. As a matter of policy, EPA should generally perform a five-year review for pre-SARA remedies and removal actions that result in hazardous substances remaining on site, and any remedial action that requires five or more years to attain the cleanup levels specified in the ROD.

- Signature and Support Agency Acceptance of the Remedy

2. Decision Summary

- Site Name, Location, and Description
- Site History and Enforcement Activities
- Highlights of Community Participation
- Scope and Role of Operable Unit or Response Action
- Site Characteristics
- **Summary of Site Risks:** The information in this section provides the primary basis for the no action decision. The discussion should support the determination that no further remedial action is necessary to ensure protection of human health and the environment. The lead agency should explain the basis for its conclusion that unacceptable exposures to hazardous substances will not occur. (In most cases, this will be based on the baseline risk assessment conducted during the remedial investigation (RI).) Any previous responses that were conducted at the site or operable unit that served to eliminate the need for additional remedial action should be summarized in this discussion. In limited cases where alternatives were developed in the feasibility study (FS), the lead agency should reference the RI/FS Report.

• ~~Description of Alternatives~~

• ~~Summary of Comparative Analysis of Alternatives~~

• ~~Selected Remedy~~

• ~~Statutory Determinations~~

- Explanation of Significant Changes

3. Responsiveness Summary.

II. DOCUMENTING INTERIM ACTION DECISIONS

During scoping, or at other points in the RI/FS, the lead agency may determine that an interim remedial action is appropriate.² An interim action is limited in scope and only addresses areas/media that will be followed by a final operable unit ROD. Reasons for taking an interim action could include the need to:

- Take quick action to protect human health and the environment from an imminent threat in the short term, while a final remedial solution is being developed; or
- Institute temporary measures to stabilize the site or operable unit and/or prevent further migration or degradation.

Interim actions either are implemented for separate operable units or may be a component of a final ROD. In either case, an interim action must be followed by a final ROD, which should: (1) provide long-term protection of human health and the environment; (2) fully address the principal threats posed by the site or operable unit; and (3) address the statutory preference for treatment that reduces the toxicity, mobility, or volume of wastes. Examples of possible interim actions are provided in Highlight 3.

Interim Actions vs. Early Actions

Interim remedial actions should not be confused with "early remedial actions," which may be either interim or final. For example, an early interim action might include providing a temporary alternate water supply and sealing wells that are pumping from a contaminated aquifer. An early final action might involve the complete removal of drums and a limited amount of surrounding contaminated soil that, without early attention, could result in contamination to currently uncontaminated areas.

Because an interim action may be taken early to mitigate the more immediate threats, there may not be sufficient time to prepare a "formal" RI or "formal" FS report. Although preparation of an RI/FS report is not required for an interim action, for the purpose of fulfilling the NCP's Administrative Record requirements, there must be documentation that supports the rationale for the action. A summation of site data collected during field investigations should be sufficient to document a problem in need of response; in addition, a short analysis of what remedial alternatives were considered, which ones were rejected, and the basis for the evaluation (as is done in a

² A removal action also may be appropriate to address short-term risks at an NPL site. See Interim Guidance on Addressing Immediate Threats at NPL Sites, OSWER Directive 9200.2-03, January 30, 1990.

HIGHLIGHT 3 EXAMPLES OF POSSIBLE INTERIM ACTIONS

- Installing extraction wells to pump a ground-water aquifer to restrict migration of a contaminant plume with the intention of later installing additional wells (or taking other action) to address the contamination in a final action.
- Providing a temporary alternate source of drinking water with the intention of later, in a subsequent action, remediating the source of contamination and/or the aquifer.
- Constructing a temporary cap to control or reduce exposures until a subsequent action is taken.
- Relocating contaminated material from one area of a site (e.g., residential yards) to another area of the site for temporary storage until a decision on how best to manage site wastes is made. (Note: This interim action (i.e., for temporary storage) also could contain a final action component if the excavated area will not require further remediation.)

focused FS) should be summarized to support the selected action.

INTERIM ACTION ROD FORMAT³

The Interim Action ROD should be tailored to the limited scope and purpose of the interim action.

The format for Interim Action RODs is outlined below.

1. Declaration

- Site Name and Location
- Statement of Basis and Purpose

³ In some cases, RODs will be prepared that include both interim actions and a final action; such RODs should clearly specify which components of the action are interim and which are final. For any final action components, the ROD should include the information and documentation required for the "standard ROD." For example, where a ROD includes a final source control measure and a temporary alternate water supply, the ROD must provide the documentation required in the "standard format" for the final source control action, as well as addressing, in the streamlined manner discussed above, the rationale and justification for the interim water supply action. In this example, it would be necessary to address the contaminated ground water in a final action ROD at a later time.

- Assessment of the Site
- Description of Selected Remedy
- **Statutory Determinations:** The declaration statement should read as follows:

This interim action is protective of human health and the environment, complies with (or waives) Federal and State applicable or relevant and appropriate requirements for this limited-scope action, and is cost-effective. This action is interim and is not intended to utilize permanent solutions and alternative treatment (or resource recovery) technologies to the maximum extent practicable for this [site/operable unit]. [Note: Where treatment is utilized, replace the prior sentence with the following: "Although this interim action is not intended to address fully the statutory mandate for permanence and treatment to the maximum extent practicable, this interim action does utilize treatment and thus is in furtherance of that statutory mandate."] Because this action does not constitute the final remedy for the [site/operable unit], the statutory preference for remedies that employ treatment that reduces toxicity, mobility, or volume as a principal element [Note: Include if treatment is being used: "although partially addressed in this remedy"] will be addressed by the final response action. Subsequent actions are planned to address fully the threats posed by the conditions at this [site/operable unit]. Because this remedy will result in hazardous substances remaining on site above health-based levels, a review will be conducted to ensure that the remedy continues to provide adequate protection of human health and the environment within five years after commencement of the remedial action. Because this is an interim action ROD, review of this site and of this remedy will be ongoing as EPA continues to develop final remedial alternatives for the [site/operable unit].

- Signature and Support Agency Acceptance of the Remedy

2. Decision Summary

- Site Name, Location, and Description
- Site History and Enforcement Activities
- Highlights of Community Participation
- **Scope and Role of Operable Unit:** This section provides the rationale for taking the limited action. To the extent that information is available, the section should detail how the response action fits

into the overall site strategy. This section should state that the interim action will be consistent with any planned future actions, to the extent possible.

- **Site Characteristics:** This section should focus on the description of those site or operable unit characteristics to be addressed by the interim remedy.
- **Summary of Site Risks:** This section should focus on risks addressed by the interim action and should provide the rationale for the limited scope of the action. The rationale can be supported by facts that indicate that temporary action is necessary to stabilize the site or portion of the site, prevent further environmental degradation, or achieve significant risk reduction quickly while a final remedial solution is being developed. Qualitative risk information may be presented if quantitative risk information is not yet available, which often will be the case. The more specific findings of the baseline risk assessment should be included in the subsequent final action ROD for the operable unit and the ultimate cleanup objectives (i.e., acceptable exposure levels) for the site or operable unit.
- **Description of Alternatives:** This section should describe the limited alternatives that were considered for the interim action (generally three or fewer). Only those requirements that are applicable or relevant and appropriate requirements (ARARs) to the limited-scope interim action should be incorporated into the description of alternatives.
- **Summary of Comparative Analysis of Alternatives:** The comparative analysis should be presented in light of the limited scope of the action. Evaluation criteria not relevant to the evaluation of interim actions need not be addressed in detail. Rather, their irrelevance to the decision should be noted briefly.
- **Selected Remedy**
- **Statutory Determinations:** The interim action should protect human health and the environment from the exposure pathway or threat it is addressing and the waste material being managed. The ARARs discussion should focus only on those ARARs specific to the interim action (e.g., residuals management during implementation).⁴ The discussion under "utilization of permanent solutions and treatment to the maximum extent practicable" should indicate that the interim action is not designed or expected to be final, but that the selected remedy represents the best balance of

⁴ An interim remedy waiver may be appropriate where a requirement that is ARAR cannot be met as part of the interim remedy but will be attained (unless use of one of the other five waivers is justified) by the final site remedy (CERCLA §121(d)(4)(A) and NCP 300.430(f)(1)(ii)(C)(1)).

tradeoffs among alternatives with respect to pertinent criteria, given the limited scope of the action. The discussion under the preference for treatment section should note that the preference will be addressed in the final decision document for the site or final operable unit.

- Explanation of Significant Changes

3. Responsiveness Summary.

III. DOCUMENTING CONTINGENCY REMEDIES

The lead agency in consultation with the support agency may decide to incorporate a contingency remedy in the ROD. Use of a contingency ROD may be appropriate when there is significant uncertainty about the ability of remedial options to achieve remediation levels (e.g., cleanup of an aquifer to non-zero MCLGs or MCLs).

For example, a contingency ROD may be appropriate when the performance of an innovative treatment technology (or a demonstrated technology being used on a waste for which performance data are not available) appears to be the most promising option, but additional testing will be needed during remedial design to verify the technology's performance capabilities; in this case, a more "proven approach" could be identified as a contingency remedy. [Note: The use of contingency remedies should be carefully considered. Site managers should perform the necessary steps of treatability studies/field investigations to evaluate a technology's performance capabilities during the RI/FS. More detailed testing at the operational-scale level may be performed during design.]

Where applicable, the ROD should specify under what circumstances the contingency remedy would be implemented, i.e., what are the criteria (e.g., failure to achieve desired performance levels) that EPA will use to decide to implement the contingency option as opposed to the selected remedy.

CONTINGENCY REMEDY ROD FORMAT

1. Declaration

- Site Name and Location
- Statement of Basis and Purpose
- Assessment of the Site
- Description of the Selected Remedy: Both the selected remedy and the contingency remedy

should be described in bullet form.

- **Statutory Determinations:** The Declaration should be modified to indicate that both the selected remedy and the contingency remedy will satisfy the statutory requirements.

- Signature and Support Agency Acceptance of the Remedy

2. Decision Summary

- Site Name, Location, and Description
 - Site History and Enforcement Activities
 - Highlights of Community Participation
 - Scope and Role of Operable Unit or Response Action
 - Site Characteristics
 - Summary of Site Risks
 - **Description of Alternatives:** This section should identify any uncertainties about the use of the technologies being considered, and the extent additional testing is needed. The selected remedy and the contingency remedy must be fully described.
 - **Summary of Comparative Analysis:** The selected remedy and the contingency remedy should be evaluated fully against the nine criteria; the uncertainties should be noted, as well as the expectations for performance. Community (and support agency) acceptance of an innovative technology should be discussed in light of the CERCLA provisions in Section 121(b)(2), which takes into account the degree of support for the action by the community.
 - **Selected Remedy:** The selected and contingency remedies should be identified. Additional testing/investigations to occur as part of remedial design to further evaluate the selected remedy should be discussed. The criteria that will be used to decide to implement the contingency remedy should be identified.
 - **Statutory Determinations:** The statutory determination discussion should document that both remedies fulfill CERCLA Section 121 requirements.
 - Explanation of Significant Changes
- #### 3. Responsiveness Summary.

NOTICE: The policies set out in this memorandum are intended solely as guidance. They are not intended, nor can they be relied upon, to create any rights enforceable by any party in litigation with the United States. EPA officials may decide to follow the guidance provided in this memorandum, or to act at variance with the guidance, based on an analysis of specific site circumstances. The Agency also reserves the right to change this guidance any time without public notice.



Faxmile Transmition Cover Sheet

Environmental Quality Division

Atlantic Division, Naval Facilities Engineering Command

PTS 7(3-93)

NUMBER OF PAGES INCLUDING THE COVER SHEET

Date: 1/4/99

To:	From:
Name: Dave Fulton	Name: Dawn Hayes
Company: OHM - IT	Code: LANTDIV, 18234
Phone:	Phone: (757) 322-4792
Fax: (609) 588-6397	Fax: (757) 322-4805

Dave:

Attached, please find the NFA ROD information we discussed. Please give me a call if you have any questions. Welcome back from the Holidays.

V/R,
Dawn